

12414. Adulteration of butter. U. S. v. 12 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18434. I. S. No. 20029-v. S. No. W-1485.)

On March 1, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mutual Creamery Co. from Lewiston, Idaho, February 15, 1924, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "L 46 Mutual Creamery Co. Seattle, Washington."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the said article, so as to reduce, lower, or injuriously affect its quality. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted from the said article.

On March 6, 1924, the Mutual Creamery Co., Lewiston, Idaho, claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12415. Misbranding and alleged adulteration of flour. U. S. v. 671 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18430. I. S. No. 20793-v. S. No. W-1488.)

On February 28, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 671 sacks of flour remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills Co., from Portland, Oreg., November 16, 1923, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Baker Girl * * * Family Flour Bleached Crown Mills Portland—Tacoma—Seattle 49 Lbs. Baker Girl."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article, so as to reduce, lower, or injuriously affect its quality.

Misbranding was alleged for the reason that the statement "49 Lbs." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 17, 1924, the Crown Mills, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12416. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18707. I. S. Nos. 5248-v, 5249-v. S. No. C-4403.)

On May 24, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases of canned oysters at Nebraska City, Nebr., alleging that the article had been shipped by the Marine Products Co. (Inc.) from Gulfport, Miss., on or about February 4, 1924, and transported from the State of Mississippi into the State of Nebraska, and charging adulteration and

misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Winner Brand * * * Oysters Packed By Sea Food Co. Biloxi, Miss. Net Contents 4 Ounces" (or "Net Contents 8 Ounces").

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labeling was false and misleading and deceived and misled the purchaser, since the drained weight of the oysters contained in the said cans was less than stated on the respective labels. Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package or can.

On July 5, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12417. Adulteration and misbranding of flour. U. S. v. 90 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18425. I. S. No. 20791-v. S. No. W-1482.)

On February 26, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 sacks of flour remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, from Portland, Oreg., January 26, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding, in violation of the food and drugs act. The article was labeled in part: (Sack) "Puritan * * * Hard Wheat Patent Flour * * * Bleached 98 Lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Pounds," appearing in the labeling was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1924, the J. A. Campbell Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered, finding the product to be adulterated or misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12418. Adulteration of pickled herrings. U. S. v. 14 Whole Barrels and 5 Half Barrels of Pickled Herrings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18700. I. S. No. 17913-v. S. No. C-4402.)

On May 19, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 whole barrels and 5 half barrels of pickled herring, at Chicago, Ill., alleging that the article had been shipped by W. L. Sugarman, from Wilmington, Del., March 19, 1924, and transported from the State of Delaware into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Barrel) "Arcady Brand Milkers Vlaardinger Holland" (Tag) "From W. L. Sugarman, Wilmington, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*